

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

08-CA-211702

Date Filed

12-18-17

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Midwest Terminals of Toledo International, Inc.

b. Tel. No. (419) 698-8171

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

383 West Dussel Drive

Maumee, Ohio 43537

e. Employer Representative

Fred Deichert

g. e-Mail

fred@midwestterminals.com

h. Number of workers employed
Approximately 50

i. Type of Establishment (factory, mine, wholesaler, etc.)

Dock

j. Identify principal product or service

Transportation

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See Exhibit A to this Charge.

By the acts set forth in Exhibit A and other acts and conduct, the Employer, by and through its officers, agents, and representatives has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing its employees in the exercise of their rights to self-organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the Act, in violation of Sections 8(a)(1) and 8(a)(5). As such violations pose a real danger of creating industrial unrest and/or of undermining employee support for the union, International Longshoremen's Association, Local 1982 requests relief under Section 10(j) of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

International Longshoremen's Association, Local 1982

4a. Address (Street and number, city, state, and ZIP code)

5891 Stagecoach Road

Portage, Indiana 46368

4b. Tel. No. (216) 210-2798

4c. Cell No. (216) 210-2798

4d. Fax No. (989) 423-0036

4e. e-Mail
acdvp@weyockey.com**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

International Longshoremen's Association

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Matthew T. Hurm, Esq.

(signature of representative or person making charge)

(Print type name and title or office, if any)

Tel. No. (216) 781-3600

Office, if any, Cell No.

Fax No. (216) 781-8839

e-Mail
hurmt@fhplaw.com

Address 20445 Emerald Parkway Dr., Suite 210, Cleveland, OH 44135

12/15/2017

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Applicant Exhibit D, p. 1

Exhibit A to National Labor Relations Board Charge

Within the last six months, the Employer, by its own officers, agents, and representatives, has refused to bargain in good faith with International Longshoremen's Association, Local 1982, a labor organization chosen by a majority of employees in appropriate bargaining units, for the purpose of collective bargaining with respect to the terms and conditions of employment. The Employer has engaged in several activities which reveal their bad faith bargaining, including but not limited to:

- 1) Demanding the removal of the union security provision of the CBA, which is inherently destructive of Union member Section 7 rights, without advancing any legitimate business justification and refusing to negotiate over its removal by stating that no concession by the Union would move the Employer from its demand;
- 2) Demanding the addition or deletion of other provisions within the CBA which are inherently destructive to the Union members' Section 7 rights, without advancing any legitimate business justification and refusing to negotiate over its removal by stating that no concession by the Union would move the Employer from its demand;
- 3) Repeatedly responding to the Union's good faith collective bargaining offers with the same unchanged counter offer without due consideration of the concessions offered by the Union;
- 4) Refusing to meet and confer with the Union, including scheduling and then failing to attend a bargaining session on October 3, 2017;
- 5) Attempting to intimidate the Union and its position as the exclusive bargaining representative through unfair labor practices intended to undercut union support and make the collective bargaining process moot;
- 6) Attempting to intimidate the Union and limit its ability to select its collective bargaining representation at negotiations by filing a charge for the Union having Toledo/Lucas County Board of the Port Authority members present at bargaining;
- 7) Unilaterally changing the terms and conditions of employment for the bargaining unit without first reaching impasse;
- 8) Threatening to implement terms and conditions of employment without the parties reaching impasse; and
- 9) Failing to adequately respond to lawfully proffered information requests.

Each of the above-described actions are both evidence of the bad faith bargaining and are independent unfair labor practices under 8(a)(1) and 8(a)(5).

By the acts set forth herein and other acts and conduct, the Employer, by and through its officers, agents, and representatives has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing its employees in the exercise of their rights to self-organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the Act, in violation of Sections 8(a)(1) and 8(a)(5).